IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

DELAY CONDONATION APPLICATION NO.NIL OF 2001
IN
GOVERNMENT APPEAL No.2079 of 2001

State of Uttaranchal

... Appellant/Applicant

Versus

Dilip Singh & **three others**

... Respondents

Dated: December 10, 2007

Sri Harish Pujari, learned Addl. G.A. for the State

HON. DHARAM VEER, J.

The present delay condonation application has been filed by the State Government for condoning the delay in filing the leave to appeal application and appeal. The leave to appeal application and the appeal has been filed along with the delay condonation application against the judgment and order dated 02.08.2001 passed by CJM, Rudraprayag in Criminal Case No.88 of 2000, whereby the learned Magistrate has acquitted the respondents for an offence punishable under Sections 26(1) of Indian Forest Act as well as for offences punishable u/Ss 27(3) and 29 of Wild Life Protection Act, 1972 (with amendment 1991).

2. I have perused the delay condonation application supported by an affidavit. There is delay of 46 days in filing the appeal. The delay is not explained by sufficient cause. The day-to-day delay has also not been explained in the affidavit. It is not mentioned that after passing of the judgment and order dated 02.08.2001, as to when the matter was referred to DGC (Criminal) for opinion. It is also not mentioned in the affidavit as to when the DGC (Criminal) had referred the matter to the Law Department. It has also

not been mentioned that when the **affidavit filed along with delay condonation application was sworn on 27.11.2001, then as to why the appeal was filed on 19.12.2001.** Thus, in this way day-to-day delay has not been explained by sufficient cause.

3. For the reasons stated above, the delay condonation application is devoid of merit and is hereby dismissed. Consequently, the leave to appeal application as well as appeal, both are also dismissed accordingly.

(Dharam Veer, J.)

Dated 10.12.2007
Rajeev Dang

Government Appeal No. 2079 of 2001

Hon'ble Dharam Veer, J.

The delay Condonation application is dismissed. Consequ - ently the leave to appeal application as well as appeal is dismissed.

For order see my order of date passed on Separate Sheets.

(D.V. J.)

10-12-2007